



U.S. Department of Justice

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Southern District of New York

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**BY ECF & EMAIL**

The Honorable Analisa Torres  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**Re: *United States v. Naim Ismail*, 18 Cr. 791 (AT)**

Dear Judge Torres:

The Government respectfully submits this letter to update the Court on the status of the Government's production of discovery in this case and to request a brief adjournment of the Government's deadline to produce discovery in this case, currently set for October 23, 2020. By the end of this week, the Government will have produced a videotape of the defendant's post-arrest statement, an extraction of the defendant's phone, copies of all search warrants in this case, and approximately 200,000 pages of other documents, including bank records, records of lawsuits brought against the defendant, and the contents of the defendant's email account obtained pursuant to a judicially authorized warrant. Those productions include material discoverable pursuant to Rule 16 as well as many witness statements that would ordinarily constitute 3500 material, including reports of witness interviews and documents prepared by the Government's forensic accountant.

In reviewing the contents of the case file for relevant discovery, the Government has undertaken to review approximately 7,000 email communications involving the group of agents and analysts from the two agencies involved in this case, the Special Inspector General for Afghanistan Reconstruction ("SIGAR") and Homeland Security Investigations ("HSI"). In the course of that review, the Government first learned of the existence and identity of a particular SIGAR agent who supported the investigation. The Government has requested that agent's email communications for review as well, but has not yet received them from SIGAR. While the Government anticipates that a small subset of those email communications will be discoverable, pursuant to Rule 16, the review itself has proven more time-consuming than initially anticipated.

In light of foregoing, the Government is unable to complete its discovery production by October 23, 2020 and respectfully requests the Court allow the Government an additional two weeks to complete its email review and production of discovery in this case. The Government has no objection to a corresponding adjournment of the defendant's deadline to file any pretrial motions.

